

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

V.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

ABN AMRO BANK (IRELAND) LTD.
(F/NA FORTIS PRIME FUND
SOLUTIONS BANK (IRELAND) LTD.),
ABN AMRO CUSTODIAL SERVICES
(IRELAND) LTD. (F/K/A FORTIS PRIME
FUND SOLUTIONS CUSTODIAL SERVICES
(IRELAND) LTD.), RYE SELECT BROAD
MARKET XL FUND, LP and RYE SELECT
BROAD MARKET XL PORTFOLIO
LIMITED.

Defendants.

12 Misc. 115 (JSR)

SIPA Liquidation

(Substantively Consolidated)

11 Civ. 6877 (JSR)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Declaration of Christopher R. Harris, dated June 13, 2012, and the accompanying Memorandum of Law, dated June 13, 2012, the undersigned, on behalf of ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) (together, “Defendants”), hereby moves this Court, before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, for an Order dismissing the Complaint on the grounds that all of the Trustee’s claims against Defendants are either barred by section 546(g) of the Bankruptcy Code or inadequate because they are unsupported by sufficient factual allegations.

PLEASE TAKE FURTHER NOTICE that pursuant to instructions provided during the scheduling conference call held on May 18, 2012, the Trustee’s opposition papers shall be submitted on or before July 18, 2012 and Defendants’ reply papers shall be submitted on or before July 25, 2012. The undersigned hereby also respectfully requests that oral argument be heard at a time and date determined by the Court.

Dated: June 12, 2012
New York, New York

LATHAM & WATKINS LLP

By: /s/ Christopher R. Harris
Christopher R. Harris

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ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis
Prime Fund Solutions Bank (Ireland) and
ABN AMRO Custodial Services (Ireland)
Ltd. (f/k/a Fortis Prime Fund Solutions
Custodial Services (Ireland) Ltd.)*